

## **AFGE**

### **Article 26**

#### **Leave**

##### **Section 1. General**

Employees may charge annual and sick leave usage in increments of 6 minutes.

##### **Section 2. Annual Leave**

- A. It is agreed that the use of accrued annual leave is a right rather than a privilege, subject to Management's approval.
- B. Consistent with the needs of the employee and the Agency, annual leave requested in advance will be approved. Except in the event of an emergency or a serious work interruption, annual leave which has been approved will not be cancelled. The supervisor canceling approved annual leave will make every effort to reschedule the leave at times desired by the employee.
- C. Consistent with the needs of the employee and the Agency, Management will approve annual leave requests for up to 30 consecutive days.
- D. Employees may submit requests for projected annual leave for increments of 32 hours or more by the end of January, each year of this contract, for the remainder of the leave year. By the end of February of each year, the Agency shall prepare a written annual leave schedule showing all approved annual leave as requested under this section. The official copy shall be kept on file.
- E.
  - 1. Conflicts between annual leave requests for vacations which are submitted in accordance with Section 2 D, if not resolved informally, will be resolved in favor of the requester with the most **seniority** by **Service Computation Date (SCD)**. If both persons have the same SCD, then the one with the most accrued leave will get the requested leave.
  - 2. Other conflicts between annual leave requests, when the requests are submitted at the same time, will be resolved in favor of the requester with the most "use or lose" leave.
- F. Accrued annual leave may be granted as of the first day of employment to those employees whose appointments are for 90 calendar days or longer.

- G. Management may grant advanced annual leave upon request of an employee under the following circumstances:
1. The employee must be able to repay the advanced leave (out of future earned leave) within a reasonable period of time and not later than by the end of the year.
  2. At the time of approval, it is anticipated that the employee will remain with GSA until the advance is repaid.
  3. Advanced annual leave will not exceed the number of hours in the employee's biweekly tour of duty.
  4. Unless prevented by workload requirements or work exigencies, and in order to accommodate the possibility of leave scheduling conflicts during a calendar year. Management will normally grant requests for advanced annual leave, under the conditions in 1, 2, and 3 above.
- H. Requests for advanced annual leave exceeding the amount allowed under G3 above may be granted to accommodate an employee who is confronted with an emergency or other exceptional circumstance.
- I. Consistent with the needs of the employee and the Agency, Management will give favorable consideration to requests for annual leave on the day following a holiday (e.g., Thanksgiving).

### **Section 3. Administrative Absences**

- A. When the appropriate authority has determined that there is a need for early dismissal of Federal employees, employees who are in an actual duty status and not in a telework status shall be excused without charge to annual leave. For treatment of employees in a telework status in such situations, refer to Article 26, Section 9. An employee is considered to be in an actual duty status if the employee is:
1. Actually on duty at the time of dismissal,
  2. Excused from duty at the time of dismissal with an expected return to duty before the close of the business day, or
  3. On duty and departed on annual leave after official word was received but before the time set for dismissal.
- B. When hazardous or other extraordinary circumstances develop during non-work hours and an appropriate authority has determined that Federal employees should not report to the official duty station, employees can be given the option of: 1) excused absence at the discretion of the Agency, 2) telework, 3) liberal leave or 4) reporting to an alternate site.
- C. Subsections A and B of this section shall not apply to employees who are required to report for duty on any occasion when other employees are excused or are dismissed from work because of hazardous weather conditions, in accordance with current

Management regulations and orders, or if the employees are needed for essential operations.

- D. All employees are expected to make reasonable adjustments in their arrangements for getting to work when it is anticipated that hazardous or other extraordinary circumstances which disrupt public or private transportation may complicate the arrival of employees at their post of duty. During hazardous weather conditions when there is no closure or when there are major disruptions in public transportation which prevents the unit employee from reporting to work on time, the employee will contact the appropriate leave-approving official as soon as possible but not later than two (2) hours after his/her scheduled reporting time. Supervisors may excuse tardiness on a case-by-case basis.
- E. An employee who has been properly charged annual leave or leave without pay may request that the leave charge be rescinded. The decision will be made depending on individual circumstances and will be based upon whether the employee made a reasonable effort to get to work. Determining factors in this decision include:
  - Distance between the employee's residence and place of work;
  - Mode of transportation normally used;
  - Efforts by the employee to get to work; and
  - Success other employees similarly situated had in being able to report to work.

#### **Section 4. Sick Leave**

- A. Employees shall accrue sick leave in accordance with applicable statutes and regulations.
- B. Subject to current law and regulations, an employee seriously injured or ill may draw on his/her anticipated future sick leave accruals if the disability surpasses his/her current accumulation. A maximum of thirty (30) days' sick leave may be advanced under these circumstances. Applications for advanced sick leave must be supported by a medical certificate signed by a physician or practitioner.
- C. The provisions of this section apply to employees who must absent themselves from work because of:
  - 1. Physical or mental incapacitation which prohibits the performance of his/her official duties,
  - 2. Exposure to a contagious disease that would endanger the health of co-workers,
  - 3. Presence of a contagious disease in an employee's immediate family that requires his/her personal care,
  - 4. Dental, optical, or medical examination or treatment,
  - 5. Temporary incapacitation, prescribed rest period, and physical examination due to pregnancy, or
  - 6. Other purposes covered by sick leave or FMLA regulations.

- D. An employee is entitled to use sick leave for absences from duty meeting the criteria in subsection C of this Section. When the use of sick leave can be scheduled in advance, e.g., for routine medical or dental appointments, the employee will do so. When advance scheduling of sick leave is not possible, the employee will contact the appropriate leave-approving official within two (2) hours after his/her scheduled reporting time, except in the event of an emergency. When the employee is aware that the absence will extend for more than one day, he/she may advise the leave-approving official at the time of contact and request sick leave for more than one day. If the employee does not anticipate such additional absence and does not receive approval in advance, he/she must contact the leave-approving official within two (2) hours after his/her scheduled reporting time on each day of such additional absence. If the leave-approving official is not available during the two (2) hour time frame or the employee is unable to contact the leave-approving official, then Section 7 (Unauthorized Absences) of this Article will apply.
- E. If Management possesses sufficient facts to reasonably believe that an employee is abusing sick leave, Management can require medical certificates for the disputed period and for subsequent sick leave requests. Management may also require medical certification for absences of four (4) or more consecutive workdays. Supervisors should be aware of the fact that requiring medical certification for absences of four (4) or more days may result in employees incurring costs to see a doctor.
- F. If an employee has been placed on official leave use restriction, leave use restriction letters will be for no more than three (3) consecutive months. The supervisor will document the employee's use of leave during the leave restriction period. If the information shows that there has been no abuse of sick leave usage for the restricted period, the supervisor will remove the restriction. If the employee's behavior has not changed the supervisor may extend the restriction for three (3) more months or take other appropriate action.
- G. The Parties agree that they will actively encourage employees to use sick leave in a responsible manner by avoiding unnecessary unplanned absences which may result in increased costs and loss of productivity.
- H. Except in unusual circumstances, for example misrepresentation or fraud, leave that has been approved should not be used as the sole basis for disciplinary action against an employee.

## **Section 5. Leave Including FMLA for Maternity/Paternity Reasons**

- A. A female employee unable to work because of pregnancy, childbirth, or newborn care will be entitled to approved absence from duty on sick leave for the period she is incapacitated for duty and additional approved absence from duty on annual leave or leave without pay for a reasonable period of time.

- B. A male employee requesting absence from duty for paternity reasons will be granted up to the maximum amount needed and allowed by law unless a serious workload problem would result from his absence.

## **Section 6. Approved Absences**

- A. Blood Donations: Employees who donate blood during duty time will be excused for the purpose of donating the blood.
- B. Conferences, Conventions, and Professional Meetings: Employees may be excused without charge to leave to attend conferences, conventions, or professional meetings if the subject matter is related to the general scope of the functions they are performing and benefit is expected to be derived by GSA.
- C. Official Time for Union Representative Attendance at AFGE National Conventions.
  - 1. The Parties acknowledge that AFGE National Conventions primarily involve internal union business and that, other than to the extent specifically agreed here, official time is not appropriate for the attendance of Union representatives at the conventions. Union representatives may be granted annual leave to attend the conventions in accordance with Article 26, Section 2.
  - 2. Within thirty (30) days after the convention has ended, the National Council President will provide to the Labor Relations Director written documentation describing workshops and/or training sessions which constitute Union-sponsored training in accordance with Article 6, Section 7 of the National Agreement, and the names of those Union representatives who attended the workshops or training sessions. The Director will notify the respective Regional Labor Relations Officers (RLROs) of the official time authorized for the Union representatives, and the RLROs will notify the supervisors of the Union representatives in order to ensure that the official time is granted retroactively.
  - 3. Official time for travel to and from the conventions is not authorized.

## **Section 7. Unauthorized Absence**

An employee who fails to report for duty and has not received supervisory approval for leave will be carried on Absence Without Leave (AWOL) status for timekeeping purposes. AWOL in and of itself will not be considered a disciplinary action, but could lead to disciplinary action being taken. An employee has a right to submit information to his/her supervisor related to a charge of AWOL. The supervisor will determine whether there is reasonable cause based on the information submitted to approve retroactively the request for leave.

## **Section 8. Leave Without Pay (LWOP)**

- A. LWOP is a temporary non-pay status and absence from duty, which must be requested by the employee.
- B. Approval of LWOP is a matter of Management discretion, and approval will be based on consideration of the benefit which will result to the Government. LWOP should not be approved unless there is a reasonable expectation that the employee will return to duty at the end of the approved period.
- C. Requests for extended LWOP for ten (10) or more workdays must be accompanied by a written reason from the employee.
- D. The Agency agrees to approve LWOP for any employee elected to a paid position as an officer of AFGE Council 236 or as a National Officer of the AFGE Union for the purpose of serving full time in the elected position. LWOP will be for a period concurrent with the term of office of the elected official and will be automatically renewed by the Agency upon notification in writing from the elected official that he/she has been reelected and wishes to continue in a leave without pay status. Upon return to duty, the employee will be restored to a job of like grade and pay for which he or she qualifies.

## **Section 9. Continuous Duty Employees**

When a continuous duty employee or an employee whose position requires continuous coverage is unable to report to work because of sickness or an emergency, he/she must notify the appropriate official as designated by Management at least one (1) hour in advance of his/her scheduled reporting time.

## **Section 10. Voluntary Leave Transfer Program**

The Voluntary Leave Transfer Program will be administered in a fair and equitable manner, in accordance with the Time and Leave Administration Handbook as follows:

- A. The program is intended to be used for medical conditions in which the employee faces serious economic consequences because of LWOP.
- B. To be eligible to be a recipient, an employee must be expected to take at least twenty-four (24) hours of leave without pay because of a medical emergency. This LWOP does not have to be continuous. This unpaid leave minimum is the only factor considered in determining whether the applicant's medical emergency is likely to result in a substantial loss of income.
- C. Medical emergencies of an approved recipient must meet minimum criteria established in the Agency and OPM regulations.

- D. Employees must voluntarily apply or have an authorized representative apply in writing to the appropriate Servicing Human Resources Office through the potential recipient's supervisor, who will provide the potential leave recipient with the application form listed in the Time and Leave Administration Handbook.
- E. The potential recipient's immediate supervisor will provide the necessary information required on the employee's application form and forward it to the Servicing Human Resources Office within three (3) work days of receipt.
- F. Based on the application, any required documentation, and OPM policy, the Servicing Human Resources Office must:
  - 1. Note the date the recipient application was received in the Servicing Human Resources Office;
  - 2. Review the information on the application and certify that the applicant meets minimum OPM requirements established under applicable regulation and this Agreement; and if these minimum requirements are met, forward the certified application to the deciding official within three (3) work days of receipt of application for approval.
- G. If the Servicing Human Resources Office finds that the applicant, according to the information on the application, does not meet minimum requirements of OPM or GSA regulations, it must return the uncertified application to the applicant within five (5) work days with a statement of the reasons why the requirements have not been met and what, if anything, may be done to meet them before re-application.
- H. Medical emergencies are approved or denied by the deciding official based on their merits, upon review of the recipient's application, employee records and medical certification(s).
- I. If the recipient's application is disapproved, the Servicing Human Resources Office will notify the applicant in writing of the disapproval within ten (10) work days of receipt and any reasons for disapproval.
- J. If the recipient's application is approved, the Servicing Human Resources Office will notify the applicant of the approval within ten (10) work days of receipt and inform the recipient that approved donors may transfer annual leave to the recipient's leave account.
- K. Upon approval of a recipient's application, the Servicing Human Resources Office will advertise the applicant's situation through appropriate means in order to generate donations to the recipient's leave account.